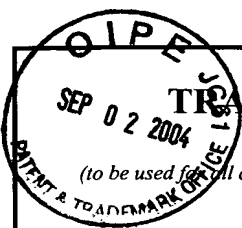


AF/3621
IFWTRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|--|------------------------|--|
| | | Application Number | 09/159,404 |
| | | Filing Date | September 24, 1998 |
| | | First Named Inventor | Curtis T. COMBAR et al. |
| | | Group Art Unit | 3621 |
| | | Examiner Name | J. Hayes |
| Total Number of Pages in This Submission | | Attorney Docket Number | MCI Docket No. COS 98 044 NP Docket No. 742435-23 |

ENCLOSURES (check all that apply)

| | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Reply Brief - 3 Copies) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 13-2491 for the above identified docket number. | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------------|---|
| Firm or Individual name | Brian C. Oakes, Reg. No. 41,467 Nixon Peabody LLP 401 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128 |
| Signature | |
| Date | September 2, 2004 |

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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MCI Docket No. COS98044

NP Docket No. 742435-23

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

| | | |
|--|---|-----------------------|
| In re Patent Application of: |) | Group Art Unit: 3621 |
| Curtis T. COMBAR et al. |) | Examiner: J. Hayes |
| Application No. 09/159,404 |) | Confirmation No. 5086 |
| Filed: September 24, 1998 |) | |
| For: INTEGRATED PROXY INTERFACE |) | September 2, 2004 |
| FOR WEB BASED DATA |) | |
| MANAGEMENT REPORTS |) | |

REPLY BRIEF

Mail Stop **Appeal Brief- Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted in response to the Examiner's Answer dated July 2, 2004.

I. ARGUMENTS IN RESPONSE TO EXAMINER'S ANSWER

A. The Examiner's Answer on page 8, line 9 to page 9, line 11 indicates that the ordinary and customary meaning of "metadata" is "data about data."

As discussed in the brief, Appellants submit that the Examiner appears to have rejected this feature of the presently claimed invention based solely upon a dictionary definition of "metadata." Appellants again respectfully submit that the Examiner has improperly construed the definition of metadata when interpreting the meaning of "metadata descriptions" in view of the present invention. Appellants submit that the Examiner erred in not also considering the meaning of metadata descriptions as set forth within the specification.

As discussed in the Brief, the specification sets forth on page 32, line 12, that "[r]equest messages received by the RM server are translated into a 'metadata' format and validated by a parser object built into a report manager proxy 250 that services requests that arrive from a GUI front end." Additionally, as described on page 40, the specification states: "At one level, these metadata descriptions function like the catalog in a relational database..." On page 41 the specification indicates that "[m]etadata descriptions may be used to provide common data export and data printing services." Furthermore, messages in a metadata format showing metadata syntax are shown for example, on pages 73-76. Bridging pages 76 and 77 various fields of the metadata message is shown.

While the ordinary meaning of "metadata" might be useful to know, the present specification provides a specific context and purpose for the use of "metadata descriptions" in messaging. See *Quantum Corp. v. Rodime, PLC*, 65 F.3d 1577, 1580, 36 USPQ2d 1162, 1165 ("[T]he words of a claim will be given their ordinary meaning to one of ordinary skill in the art unless the inventor appeared to use them differently"). Moreover, the meaning of "metadata" as relied upon by the Examiner is not entirely on point since there is no dictionary definition of "metadata description," as set forth in the claims

B. The Examiner's Answer indicates that Appellants have performed a piecemeal analysis of the cited passages of Chang as discussed on pages 9 and 10 of the Examiner's Answer.

Appellants however submit that each of the citations analyzed in the Appeal Brief were originally provided by the Examiner (in Office Actions) to reject the features reciting metadata descriptions. In rebuttal, Appellants merely listed these sections of the Chang patent and presented arguments alleging that the claimed features are not taught by the cited references. Appellants submit that the argument provided by the Examiner that a "piecemeal" analysis of the cited passages was performed perplexing since these citations were originally provided by the Examiner. It appears as if the Examiner is now stating that the citations do not explicitly disclose messages comprising metadata descriptions of particular reporting items, as recited in claim 1 or a message including a metadata description of said reporting items, as recited in claim 12, but would be understood based upon a generic reading of the cited passages and the fact that metadata is "data about data." As repeatedly argued above and in the Brief itself, Appellants disagree with this interpretation of the Chang patent.

C. On pages 13 and 14 of the Examiner's Answer, several areas of Appellants specification were cited that discuss the messaging format and metadata descriptions in particular. The Examiner then (in the paragraph bridging pages 14 and 15 states that "although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims" and that the "claims do not recite that the metadata descriptions are required to be in an specific format or syntax."

Appellants respectfully submit that the areas of the specification provided by the Examiner provide examples of metadata descriptions as used within the present invention. Appellants further submit that in addition to the ordinary customary definition of metadata descriptions, that the Examiner, to determine the meaning of "metadata description" as set forth within the claims should have used the specification rather than the dictionary meaning

of metadata. Thus, for this reason Appellants submit that the Examiner erred and request reconsideration and withdrawal of the rejection.

D. The Examiner's Answer on page 15 argues that claim 8, which sets forth that customer specific data information relates to unpriced traffic call detail data, does not carry patentable weight as unpriced traffic call detail data is not functionally related with the useful acts, structure or properties.

Appellants however respectfully submit that the customer specific data relating to unpriced traffic call detail data is, in fact, related to the claimed Internet based reporting system and is functional descriptive material. Additionally, Appellants note that the unpriced traffic call detail data further identifies the customer specific data. Contrary to the Examiner's argument, Appellants submit that, an example of non-functional descriptive material using the field of the present invention could be specific numerical numbers representing the call details data. While the specific numbers are non-functional and descriptive in nature, the characteristics that the numbers represent are certainly functional and thus limiting.

Moreover, Appellants submit that the Examiner has not disclosed where the claimed unpriced traffic call detail data is disclosed in Chang, much less asserted that the difference is obvious to one of ordinary skill in the art. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

E. On page 16 of the Examiner's Answer, citations to Chang are provided to allegedly teach storing reporting items included in a prior created metadata report description, as recited in claims 17 and 18.

Appellants however submit that merely because a proxy server communicates via router 510 to supply pages of the report to the user does not mean that Chang discloses storing reporting items included in a prior created metadata report description, as required in

claims 17 and 18. The Examiner has provided no support for this claimed feature and Appellants respectfully request that the rejection be overturned.

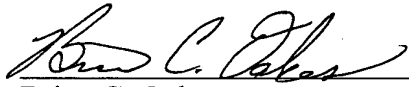
X. CONCLUSION

Thus, at least for the foregoing reasons as well as the reasons described in the Appeal Brief, the cited references do not render obvious the claimed invention. Reconsideration and withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

For all of the reasons discussed above, it is respectfully submitted that all claims 1-19 define patentable subject matter under 35 U.S.C. §103. Accordingly, Appellant respectfully requests this Honorable Board to reverse the rejection of claims 1-19.

The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 13-2491 for the above-identified docket number.

Respectfully submitted,



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